

REPEAL SECTION 8 OF NAVAL APPROPRIATION BILL.

JANUARY 8, 1921.—Referred to the House Calendar and ordered to be printed.

Mr. VENABLE, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. J. Res. 428.]

The Committee on Naval Affairs, to whom was referred House joint resolution 428, after having considered the same, report it back to the House, with amendment, and recommend that as amended it do pass.

The resolution as amended, reads as follows:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That section 8 of the act entitled "An act making appropriations for the Naval Service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, is hereby suspended until January 1, 1923, in its application to persons honorably discharged from the Army, Navy, Marine Corps, and Coast Guard, between April 6, 1917, and January 1, 1920: *Provided,* That persons convicted of a felony or a crime involving moral turpitude are excepted from the operation of the suspension herein provided.

The justification for the passage of this joint resolution inheres in the following facts. Section 125 of the national defense act reads:

SEC. 125. Protection of the uniform: It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided,* That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War may designate, from wearing their prescribed uniforms; nor to prevent persons who, in time of war, have served honorably as officers of the United States Army, Navy, or Marine Corps, regular or volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such regular or volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, regular or volunteer, from wearing his uniform from the place of his discharge to his home within three months after the date of such discharge.

This was the existing law up until February 28, 1919, when there was approved an act permitting persons serving in the World War to wear the uniform under certain conditions. That act provided—

that any person who served in the United States Army, Navy, or Marine Corps in the present war may, upon honorable discharge and return to civil life, permanently retain one complete suit of outer uniform clothing, including the overcoat, and such articles of personal apparel and equipment as may be authorized, respectively, by the Secretary of War or the Secretary of the Navy, and may wear such uniform clothing after such discharge: *Provided*, That the uniform above referred to shall include some distinctive mark or insignia to be prescribed, respectively, by the Secretary of War or the Secretary of the Navy, such mark or insignia to be issued, respectively, by the War Department or Navy Department to all enlisted personnel so discharged. The word "Navy" shall include the officers and enlisted personnel of the Coast Guard who have served with the Navy during the present war.

This was the law until section 8 of the naval appropriation act approved June 4, 1920, became law, wherein it is provided—

that section 125 of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, shall hereafter be in full force and effect as originally enacted, notwithstanding anything contained in the act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions," approved February 28, 1919.

The effect of this enactment was to repeal the act of February 28, 1919, wherein the Congress gave the honorably discharged soldier the right to wear the uniform wherever they saw fit, provided they wore some distinguishing insignia on the sleeve, prescribed by regulations.

Under the operation of the present law, the Department of Justice in its Circular No. 1103, issued to all district attorneys, has authorized the arrest and prosecution of men who violate section 8 of the naval act of June 4, 1920, above set forth. According to the construction by the War and Navy Departments of this act, which appears to be proper, for the Army, uniform buttons, cap ornaments, collar insignia, insignia of rank and grade, white and olive drab caps, hat cords, overcoats, service coats, officers' white coats, Army nurses' Norfolk coats, Army nurses' overcoats, Army nurses' capes; and for the Navy, the overshirt, blue caps, overcoats, unless Navy buttons are removed, undress jumpers, blue trousers, dress white jumpers; and for the Marine Corps, overcoats, blouse, trousers, cap, hat, Marine Corps buttons, cap ornaments, collar ornaments, or chevrons, or other insignia of rank, are prohibited.

What are considered not distinctive so as to constitute a violation are underclothing, shirts, trousers, breeches, socks, leggings, shoes and boots, working clothes, raincoats, puttees, hats, gloves, and cravats.

It will be seen from this that coats and overcoats, very necessary for winter wear, are prohibited. The situation has developed over the country that district attorneys, pursuant to instructions, are instituting prosecutions under the law against former soldiers and sailors wearing the uniform, or parts thereof, considered to be distinctive; and prosecutions are now pending against a number.

In the present depressed condition of the country many of these young men need to wear the clothing, and they have been wearing it in perfect good faith, relying upon the permission granted by Congress prior to the repeal by the act of June 4, 1920. Hundreds and

thousands of them are wearing articles of Army and Navy clothing in perfect good faith, not knowing as a matter of fact that the permission extended them has been repealed.

The committee is of the opinion that in view of the depressed conditions, and the need of many of these young men to wear their Army and Navy uniforms, or parts thereof, that the resolution as reported should be passed.

In addition to this, is the further consideration that if the present law remains upon the statute books, the Department of Justice must enforce it, and this would mean that great numbers of young men who are now wearing a uniform under the idea of permission granted, not having knowledge of the repeal, will be haled into court and undergo punishment.

Doubtless the repeal of the permission to wear uniforms by ex-service men was based upon the fact that in certain instances men in uniform had been violators of the law, and it was thought that this would bring disgrace upon the uniform. We think that this is sufficiently safeguarded against by providing that any person who becomes convicted of a felony or a crime involving moral turpitude shall not enjoy the exemption. In other words, the effect of this is to make the wearing of the uniform an offense if a felony or offense involving moral turpitude is committed while wearing it, and also takes away from any ex-service man so guilty the right to wear it in the future.

As to criminals who procure uniforms as a disguise in the commission of offenses, it would appear that there is no remedy for this, and that the granting of this permission for ex-service men to wear the uniform would not affect their status before the law in any way. They are equally guilty, whether this resolution is passed or not, if they are not ex-service men.

It has also been suggested that with the right on the part of a great number of citizens to wear the uniform, or parts thereof, that it would be an inducement for those who were not in the service of the country to procure and wear them with the idea that they would not be detected or punished by virtue of being lost in the mass. Conceding there is some force in this, it is thought that the few people who would thus act are so small in number compared with the great number who would be benefited, and the evil from this so trifling as compared to the great benefit to others, that it should not be considered an objection.

For the above reasons, the committee unanimously recommends that the bill, as amended, do pass.



